

DISPOSITION: April 6, 1949. The Welch Grape Juice Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was relabeled on or about July 19, 1949.

14843. Adulteration of dried peaches and apricots. U. S. v. 100 Cases * * *
(and 2 other seizure actions). (F. D. C. Nos. 24467, 24477, 24596. Sample Nos. 24543-K, 26676-K, 32242-K.)

LIBELS FILED: March 3 and 9 and April 13, 1948, Southern District of Texas, District of Minnesota, and Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 31, 1947, and January 23 and March 17, 1948, by the Vagim Packing Co., Fresno, Calif.

PRODUCT: 100 30-pound cartons of dried peaches at Stillwater, Minn., and 571 25-pound cases of dried peaches at Houston, Tex., and 14 30-pound cartons of dried apricots at Pekin, Ill.

LABEL, IN PART: "Home Pak Brand Varigrade Recleaned Peaches [or "Choice Yellow Peaches" or "Slab Blenheim Apricots"] Packed by [or "Distributed By"] Fresno Home Packing Co. Fresno, Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in whole or in part of a filthy substance by reason of the presence of insect-infested, moldy, and dirty peaches, and the apricots of a filthy substance by reason of the presence of insect-infested and dirty apricots.

DISPOSITION: June 30, 1948. The John Bremond Co., Austin Tex., claimant for the 571 cases of peaches at Houston, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

The product was shipped to San Francisco for reconditioning, but was delayed in transit for several weeks by a maritime strike. Upon arrival at San Francisco, it was denatured and fed to hogs, at the request of the firm to whom it had been consigned for reconditioning. On April 20 and June 21, 1948, no claimant having appeared for the remaining lots, decrees of condemnation were entered and the products were ordered disposed of for use as animal feed or destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

14844. Adulteration of potato chips and popcorn. U. S. v. Old Vienna Products Co. Plea of nolo contendere. Fine, \$600. (F. D. C. No. 26757. Sample Nos. 46406-K to 46408-K, incl.)

INFORMATION FILED: On or about March 18, 1949, Eastern District of Missouri, against the Old Vienna Products Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about December 29, 1948, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Old Vienna Potato Chips [or "Pop Corn"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence (in the potato chips) of insect fragments and roach excreta pellets and (in the popcorn) insect fragments, rodent hair fragments, and cat hair fragments; and, Section 402

(a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 29, 1949. A plea of nolo contendere having been entered, the defendant was fined \$600.

14845. Adulteration of canned beans and pork. U. S. v. 30 Cases * * *.
(F. D. C. No. 26668. Sample No. 39842-K.)

LABEL FILED: March 2, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 22, 1947, from Humboldt, Tenn.

PRODUCT: 30 cases, each containing 24 1-pound, 4-ounce cans, of beans and pork at South Bend, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 4, 1949. Default decree of condemnation and destruction.

14846. Misbranding of canned green beans. U. S. v. 280 Cases * * *. (F. D. C. No. 26648. Sample No. 50404-K.)

LABEL FILED: March 18, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about October 12, 1948, by Kolstad Canneries, Inc., from Silverton, Oreg.

PRODUCT: 280 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Boise, Idaho.

LABEL, IN PART: (Can) "Ropak Brand Blue Lake Variety Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since it contained an excessive amount of tough strings and an excessive number of blemished units, and it failed to bear the statement that it was below the standard.

DISPOSITION: April 27, 1949. Kolstad Canneries, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled.

TOMATOES AND TOMATO PRODUCTS*

14847. Adulteration and misbranding of canned tomatoes. U. S. v. 507 Cases * * *. (F. D. C. No. 26633. Sample No. 44718-K.)

LABEL FILED: March 8, 1949, District of North Dakota.

ALLEGED SHIPMENT: On or about August 19, 1948, by the Davis Canning Co., from Westville, Okla.

PRODUCT: 507 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Grand Forks, N. Dak.

LABEL, IN PART: (Can) "Mayfield Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and since it contained excessive tomato peel and excessive blemishes; and its label failed to bear a statement that it fell below the standard.

*See also Nos. 14802-14805.